

REMARKS:

1. In response to the Office Action mailed on 08/20/2008, the applicant hereby amends his application. The drawing is amended. The specification is amended. Claims 1-30 are amended. Claims 31-33 are canceled. Two (2) new claims 34-35 are added.
2. The drawings were objected to on the grounds that Figures 1 and 2 should be designated by a legend such as – Prior Art-- because only that which is old is illustrated. Also, Figure 3B was objected to because of reference 32'. The examiner stated this reference should be renamed to a number not used so that it is not mistaken for reference 32 of Figure 3A. In response, three (3) new Replacement Drawing Sheets are submitted labeled 1/4, 2/4, and 3/4. Also three (3) annotated drawing sheets showing the drawing changes are provided. The effect of these changes is to add the legend "Prior Art" to Figures 1 and 2 and, in Figure 3A, to change the reference number 32' to reference number –31--. The corresponding reference in the specification at page 9, line 4 is corrected as well. As a result, it is believed these objections have been traversed.
3. Claims 2-11, 13, and 15-30 were objected to on stated grounds. In response, these claims have been amended to cure the stated grounds of objection. As a result, it is believed these objections have been traversed.
4. Claims 3-4, 16-17 and 21-23 were rejected under 35 USC section 112, second paragraph, as being indefinite. In response, these claims have been amended in order to cure any deficiencies that might have existed with respect to the requirements of the stated statute. As a result, it is believed these rejections have been traversed.
5. Claims 1-24 and 26-30 were rejected under 35 USC section 102(e) as being anticipated by US Patent Application Publication 2005/0021940 to Ma.

The present application claims priority to PCT International Application number PCT/IB2003/006378 filed on 20 November 2003. Thus, the effective priority date of the present application is 20 November 2003.

The effective date of Ma is June 13, 2003.

A reference such as Ma may be shown as failing to qualify as prior art under 35

USC section 102(3) by antedating the effective date of the reference. See M.P.E.P. sections 706.02(b) and 2136.05.

A prior art patent application publication such as Ma may be sworn behind under 37 CFR section 1.131 by a showing of facts sufficient to establish a completion of the invention in this country, a NAFTA country, or a WTO country before the filing date of the application on which the publication was published. “The showing of facts shall be such, in character and weight, as to establish . . . conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequence reduction to practice or to the filing of the application.” 37 CFR section 1.131(b).

The “invention” refers to the subject matter of the claims. The purpose of the Rule 131 showing is to broadly establish possession of the invention. A Rule 131 declarant need not necessarily show possession of the entire invention as later claimed; it is sufficient that he shows possession of enough to make the entire invention obvious to one of ordinary skill in the art. See In re Spiller, 500 F.2d 1170, 1176; 182 USPQ 614, 618-19 (CCPA 1974).

Applicant hereby submits two (2) Declarations under 37 CFR section 1.131 and supporting documentation.

The first Declaration by the inventors shows conception prior to the effective date of Ma.

The second Declaration by Mr. Roland Schink, an authorized representative of the Assignee Nokia Corporation for this patent application, shows due diligence of the inventors from conception until the effective filing date of the present patent application of 20 November 2003. The second Declaration is supported by the accompanying Exhibit B comprising 21 sheets of e-mail correspondence evidencing the activities that are detailed in the Declaration.

More specifically, the second Declaration contains statements numbered 1-11, with the 21 sheets supporting statements 2-9 as follows:

Statement 2 is supported by the 5 sheets labeled “SHEETS 1-5”.

Statement 3 is supported by the sheet labeled “SHEET 6”.

Statement 4 is supported by the sheet labeled "SHEET 7".

Statement 5 is supported by the 4 sheets labeled "SHEETS 8-11".

Statement 6 is supported by the sheet labeled "SHEET 12".

Statement 7 is supported by the 2 sheets labeled "SHEETS 13-14".

Statement 8 is supported by the 3 sheets labeled "SHEETS 15-17".

Statement 9 is supported by the 4 sheets labeled "SHEETS 18-21".

The Applicant asserts that the attached documentation show that Ma is not prior art against the present application under paragraph (e) or any other paragraph of 35 USC section 102, rendering moot the outstanding rejections under 35 USC section 102(e). Applicant respectfully requests that the examiner withdraw all outstanding rejections and pass claims 1-24 and 26-30 to issuance without further delay.

6. Claim 25 was rejected under 35 USC section 103 as being unpatentable over Ma in view of US Patent Application Publication 2004/0043790 to Ben-David et al. However, the Applicant asserts that Ma is not prior art against the present application, rendering moot the outstanding rejection under 35 USC section 103. Applicant respectfully requests that the examiner withdraw this outstanding rejection and pass claim 25 to issuance without further delay.

7. Should any unresolved issue remain, the Examiner is cordially invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted:

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25 November 2008

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

Nov. 25, 2008

Date

J. D. Monah

Name of Person Making Deposit